

From: Tony Kimball
To: Microsoft ATR
Date: 12/17/01 3:44pm
Subject: Comments on Proposed Settlement

Lectori Salutem:

Pursuant to the announced proposed settlement conditions which purport to provide remedy to the antitrust violations for which Microsoft has been found culpable, I write to provide for the record my specific objections, as a computing professional of 12 years experience in the field:

Firstly, the proposed settlement fails to provide effective remedy in that restrictions on interface disclosure are left to the judgement and discrimination of the culpable party, and explicit conditions are placed on disclosure requirements, which prevent public-interest organizations from obtaining essential information enabling the development of interoperable components.

Secondly, the proposed settlement fails to provide effective remedy for the damaging monopolistic practice of hiding the cost of Microsoft products in the cost of purchasing a computer or other device. Unless consumers are able to purchase devices at lower cost in the absence of a Microsoft product, all consumers are in effect being taxed to subsidize Microsoft's monopoly.

Thirdly, the proposed settlement fails to provide effective remedy because it does not require Microsoft to provide adequate disclosure of file formats, type library formats, document formats, network protocols, and other crucial related interfaces to the public, or even to purchasers of Microsoft products. As a result, public-interest development organizations and commercial competitors alike are prevented from providing product offerings which are competitive with Microsoft products in performance and capability.

Fourthly, the proposed settlement allows Microsoft to avoid compensating the public for its criminal practices, places the burden of paying for the costs of obtaining remedy on the government and the people, rather than upon the culpable party, and in fact assists Microsoft in extending its monopoly into the educational systems of the various states.

Fifthly, the proposed settlement does nothing to protect the public from the evident intention of Microsoft to subvert the global Internet as a tool of monopoly extension, and to the detriment of the privacy of all persons, by insinuating proprietary protocols into the conduct

of commerce, and enforcing the disclosure of detailed personal and financial information to entities controlled by Microsoft.

Sixthly, the historic and continuing failure of Microsoft to provide secure information systems constitutes a dire threat to the national interest and security, which can only be prevented by placing Microsoft installations on equal competitive footing with installed computer systems which use more robust and secure software systems. Microsoft has placed backdoors in its operating systems which allow surreptitious access to private information by unauthorized parties. Until and unless the source code for all of Microsoft's software components are available for public inspection, continued security lapses and abuses must be expected. The only effective means of resolving these problems, both the competitive disadvantage of non-Microsoft systems, and the instability and insecurity of the predominant Microsoft systems, is to require that all of the source code for Microsoft's system software as distributed with OEM computers and appliances must be made available to all persons constructing interoperable or competing software. The proposed settlement, to the detriment of the security, stability, and viability of nations economic, military, and emergency systems infrastructure fails to provide any such requirement or stipulation.

In summary, the proposed settlement provides no effective remedy to the illegal practices of Microsoft, and imposes a substantial penalty on the wronged parties (the government and public of the United States) by failing to exact compensation for court costs or for damages done.

Sincerely,

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